

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 547 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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MANJULABEN KANTILAL MAKWANA

Versus

TALUKA DEVELOPMENT OFFICER  
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Appearance:

MR LN MEDIPALLY for Petitioner  
M/S THAKKAR ASSOC. for Respondent No. 1  
Mr.K.T.Dave, Ld.AGP for respondent No.2  
MR AM PAREKH for Respondent No. 4  
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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 31/07/2000

ORAL JUDGEMENT

In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ to direct the respondents and more particularly respondent No.3 the Sarpanch, Vijayanagar Gram Panchayat, Dist.Sabarkantha to take necessary steps under Gujarat Panchayats Act for giving effect to the orders dated 31.5.99 and 12.8.99 (at annexure B and C respectively to the petition) passed by the Sabarkantha District Panchayat to remove the encroachment made by respondent No.4 on the land in question.

2. In response to the notice issued by this court respondent No.4 has filed affidavit-in-reply stating that the respondent No.4 has filed Regular Civil Suit No.263 of 1999. However, it is not clear whether the trial court has granted any injunction.

3. In case the trial court has granted any injunction and/or ad-interim injunction previously, the authorities including the respondent No.3 will have to act in accordance with such orders of the civil Court in Regular Civil Suit No.263 of 1999. In case the civil Court has not granted any ad-interim/interim injunction the respondent No.3 shall have to proceed in accordance with law.

In any view of the matter, it would be just and proper for this Court to direct the learned Civil Judge (SD) at Himmatnagar to hear and decide any application for interim injunction in Reg.Civil Suit No.263/99 as expeditiously as possible and in any case within two months from the date of receipt of writ of this Court.

Rule is made absolute in the aforesaid terms.  
There shall be no order as to costs.

31.7.2000 (M.S.SHAH,J)

